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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,032	07/14/2003	Glenn Morrow	P1027/15509RRUS	6391
64458 7590 03/28/2007 HEMINGWAY & HANSEN, LLP 1717 MAIN STREET BANK ONE CENTER, SUITE 2500 DALLAS, TX 75201			EXAMINER [REDACTED]	ZAIDI, SYED
			ART UNIT [REDACTED]	PAPER NUMBER 2609
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	03/28/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/619,032	MORROW, GLENN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Syed Zaidi	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 July 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 14 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/24/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Priority**

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

### **Information Disclosure Statement**

The information disclosure statement submitted on 11/24/2003 has been considered by the Examiner and made of record in the application file.

### **Oath/Declaration**

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
It does not state that the person making the oath or declaration has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

Essentially, page 2 of the declaration is missing.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1- 5, 7-11, 13-18 and 20** are rejected under 35 U.S.C.102 (e) as being anticipated by **Belgaied et al. (U.S.Pub # 2003/0156582 A1)**

Consider claims 1, 8, 15, and 20 **Belgaied et al.** clearly show a method and a packet-based communication routing device (routing node 144 or destination node 148), comprising: one or more inputs that receive information packets (130 figure 1A and paragraph 0033) on a network and one or more outputs (142) that transmit information packets onto the network (figure 1B); a first processor inherit in the routing node 144 or destination node (148) coupled to

said inputs and said outputs, said processor processing one of the information packets including examining one or more flag value (attached header in figure 1A and 4) in each information packet (130) and transmitting the information packet to one of said outputs (142) if the flag values do not match a predetermined value for routing device (figure 6 and paragraph 0047-0053); a second processor (Inherent in the routing node 144 and destination node 148) coupled to the first processor, wherein said first processor, transmits an information packet to the second processor if the one or more flag value match a predetermined values for that routing device (figure 6 and paragraph 0047-0053) and wherein the second processor process the information packet before transmitting the information packet to one of said outputs to the network) (paragraph 0047-0053).

**Consider claim 2, and as applied to claim 1 above, Belgaied et al.** clearly show wherein the flag value contains a data element identifying a filtered router alert option. (The routing node 144 looks at a data packet 130 which contain header 132 with provided label

(Flag) that matches the option field (406 in figure 4) indicating data attributes which is a filter router option (Paragraphs 0045-0053).

**Consider claim 3,** and as applied to claim 1 above, Belgaiet et al. clearly show wherein the flag value identifies the type of data from the information packet to be processed by the second processor (The routing node 144 looks at a data packet 130 which contain header 132 with provided label (Flag) that matches the option field (406 in figure 4) indicating data attributes) (Paragraphs 0047-0053).

**Consider claim 4,** and as applied to claim 1 above, Belgaiet et al. clearly show wherein the flag value identifies a condition on the routing device that indicates the information packet should be forwarded to the second processor (Paragraphs 0047-0053 and figure # 6).

**Consider claim 5,** and as applied to claim 1 above, Belgaiet et al. clearly show wherein the flag value identifies the routing device as an edge router (paragraphs 0045, 0047).

**Consider claim 7, and as applied to claim 1 above, Belgaiet et al.** clearly show a packet-based the packet-based communication routing device wherein the flag value identifies the routing device as an interface (paragraph 0032, 0033, 0047).

**Consider claim 9, and as applied to claim 8 above Belgaiet et al.** clearly show wherein the flag value contains a data element identifying a filtered router alert option. (The routing node 144 looks at a data packet 130 which contain header 132 with provided label (Flag) that matches the option field (406 in figure 4) indicating data attributes which is a filter router option) (Paragraphs 0047- 0053).

**Consider claim 10, and as applied to claim 8 above, Belgaiet et al.** clearly show a packet-based communication routing method wherein the flag value identifies the type of data from the information packet to be processed by the second processor (The routing node 144 looks at a data packet 130 which contain header 132 with provided label (Flag) that matches the option field (406 in figure 4) indicating data attributes) (Paragraph 0047- 0053).

**Consider claim 11 and as applied to claim 8 above Belgaiied et al.**  
clearly show processing the information packet of an edge router  
(paragraphs 0045, 0047- 0049).

**Consider claim 13, and as applied to claim 8 above, Belgaiied et al.** clearly show the step of processing the information packet on an interface (Paragraphs 0032, 0033 and 0047).

**Consider claim 14, and as applied to claim 8 above, Belgaiied et al.** the step of: processing the information for use by an application (Paragraphs 0034, 0040-0047).

**Consider claim 16, and as applied to claim 15 above, Belgaiied et al.** clearly show wherein the flag value contains a data element identifying a filtered router alert option. (The routing node 144 looks at a data packet 130 which contain header 132 with provided label (Flag) that matches the option field (406 in figure 4) indicating data attributes which is a filter router option) (Paragraphs 0022, 0038, 0042, 0048).

**Consider claim 17**, and as applied to claim 15 above,  
**Belgaied et al.** clearly show wherein the flag value identifies the routing device as an interface (paragraph 0049).

**Consider claim 18**, and as applied to claim 15 above,  
**Belgaied et al.** clearly show the step of: forwarding the retrieved data for use in an application (Paragraph 0035 and figure 1A).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966) that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Consider claims 6, 12 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Belgaied et al.** et al., (U.S.Pub # 2003/0156582 A1) in view of **Vilander et al.** (US Pat # 6,804,720 B1).

**Consider claim 6, 12, and 19** and as applied to claims 1, 8 and 15 above **Belgaied et al.** clearly show the packet-based communication routing device, except that the flag value identifies the routing device as a Gateway.

In the same field of endeavor, **Vilander et al.** clearly show and disclose the use of a gateway as a routing device and address prefix to identify the gateway (Column 4 lines 34-63).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the gateway taught by **Vilander et al.** in the method and device **Belgaied et al.** for the purpose of achieving optimal routing of packets.

### **Conclusion**

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses should be brought to:**

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Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

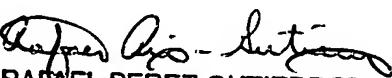
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zaidi whose telephone number is 571-274-1779. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Syed S.Zaidi  
S.S.Z./ssz  
March 19,2007

  
RAFAEL PEREZ-GUTIERREZ  
SUPERVISORY PATENT EXAMINER  
3/22/06